

ENTERED

December 30, 2024

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MARTINA	§ CIVIL ACTION NO
ARCENEAUX,	§ 4:23-cv-00904
Plaintiff,	§ § §
vs.	§ JUDGE CHARLES ESKRIDGE
	§ §
CITY OF HOUSTON,	§
Defendant.	§

**ORDER ADOPTING
MEMORANDUM AND RECOMMENDATION**

Plaintiff filed a Complaint under Title VII of the Civil Rights Act to recover damages from Defendant's alleged employment discrimination and retaliation. Dkt 1. The matter was referred for disposition to Magistrate Judge Christina A. Bryan. Dkt 4.

Pending is a thorough and lengthy Memorandum and Recommendation by Magistrate Judge Christina A. Bryan dated November 22, 2024. Dkt 45. She recommends that Defendant's Motion for Summary Judgment be denied because there are disputed issues of fact regarding Plaintiff's employment discrimination and retaliation claims that preclude summary judgment. Also pending are brief, conclusory objections to the Memorandum and Recommendation filed by Defendant. Dkt 47.

The district court reviews *de novo* those conclusions of a magistrate judge to which a party has specifically objected. See FRCP 72(b)(3) & 28 USC § 636(b)(1)(C); see also *United States v Wilson*, 864 F2d 1219, 1221 (5th Cir 1989, *per curiam*). The district court may accept any other portions to which there's no objection if satisfied that no clear error appears on the face of the record. See *Guillory v*

PPG Industries Inc, 434 F3d 303, 308 (5th Cir 2005), citing *Douglass v United Services Automobile Association*, 79 F3d 1415, 1430 (5th Cir 1996, *en banc*); see also FRCP 72(b) advisory committee note (1983).

De novo review is not invoked by simply urging again arguments contained in the underlying motion. *Edmond v Collins*, 8 F3d 290, 293 n7 (5th Cir 1993); see also *Smith v Collins*, 964 F2d 483, 485 (5th Cir 1992) (finding no error in failure to consider objections because plaintiff “merely reurged the legal arguments he raised in his original petition”); *Williams v Woodhull Medical & Mental Health Center*, 891 F Supp 2d 301, 310–11 (EDNY 2012) (*de novo* review not warranted for conclusory or general objections or which merely reiterate original arguments). Where the objecting party simply reiterates its original arguments, review of the memorandum and recommendation may permissibly be for clear error only.

Defendant here essentially reiterates its summary judgment argument. The objections have nevertheless been examined *de novo* and found to lack merit for the reasons stated by the Magistrate Judge. The Memorandum and Recommendation clearly details the pertinent facts and correctly applies controlling law.

The objections by Defendant to the Memorandum and Recommendation of the Magistrate Judge are OVERRULED. Dkt 47.

No clear error otherwise appears upon review and consideration of the Memorandum and Recommendation, the record, and the applicable law.

The Memorandum and Recommendation of the Magistrate Judge is ADOPTED as the Memorandum and Order of this Court. Dkt 45.

SO ORDERED.

Signed on December 30, 2024, at Houston, Texas.


Hon. Charles Eskridge
United States District Judge